

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PROPOSED RULEMAKING**

The Alcoholic Beverage Control Board ("Board"), pursuant to the authority set forth in D.C. Official Code § 25-351(a) (2006 Supp.) and section 303 of Title 23 of the District of Columbia Municipal Regulations ("DCMR"), 51 DCR 4309 (April 30, 2004), hereby gives notice of the intent to adopt the following proposed rules that would create a new section 310 of Title 23 DCMR and impose a three (3) year moratorium on the sale of single containers of beer, malt liquor, ale, as well as spirits (liquor) sold in half-pints or smaller by the holders of retailer's licenses class A and B located on both sides of the street on H Street, N.E., between and including the 700 block of H Street, N.E., and the 1400 block of H Street, N.E., which shall be known as the H Street Moratorium Zone.

On September 20, 2006, the Board received a written request from Advisory Neighborhood Commission ("ANC") 6A (hereinafter, "ANC 6A Moratorium Petition") to issue regulations declaring a moratorium on the sale of single containers of alcohol by current and future class A and B retail license holders in the portion of the District of Columbia centered at Me & My Supermarket, located at 1111 H Street, N.E., effective to those license holders along the H Street, N.E., corridor. The Board conducted a public hearing, pursuant to D.C. Official Code § 25-354 (2006 Supp.), on January 17, 2007, to consider ANC 6A's petition request. The Board received a significant amount of detailed testimony and written comments from ANC 6A, the Office of the Deputy Mayor for Planning and Economic Development ("DMPED"), the Metropolitan Police Department ("MPD"), including comments from Mayor Adrian M. Fenty and Ward Six Councilmember Tommy Wells, Laurie Collins, President, Mount Pleasant Neighborhood Alliance ("MPNA"), Paul Pascal, on behalf of the D.C. Association of Beverage Alcohol Wholesalers, Gary Cha, on behalf of the Korean American Grocers Association ("KAGRO"), numerous District of Columbia residents, and business owners. The Board found the testimony provided by ANC 6A, MPD, DMPED, and a number of nearby residents to warrant the issuance of a moratorium on the sale of single containers of alcoholic beverages, including beer, malt liquor, ale, as well as spirits (liquor) sold in half-pints or smaller, by holders of retailer's licenses class A and B located on both sides of the street on H Street, N.E., between and including the 700 block of H Street, N.E., and the 1400 block of H Street, N.E., based upon the appropriateness standards set forth in D.C. Official Code § 25-313(b) (2006 Supp.).

In reaching its decision, the Board gave great weight to the written recommendations of ANC 6A as required by section 13(d)(3) of the Advisory Neighborhood Councils Act of 1975, effective October 10, 1975, D.C. Law 1-21, D.C. Official Code § 1-309.10(d)(3) (2006 Repl.), as amended, and D.C. Official Code § 25-609 (2001). At a regularly scheduled public meeting on May 12, 2005, ANC 6A voted to support a moratorium on the sale of single containers of alcoholic beverages by the holders of retailer's licenses class A and B on the portion of H Street, N.E., that is centered at Me & My Supermarket

located at 1111 H Street, N.E. The Board found merit in ANC 6A's reasoning for requesting a moratorium on the sale of singles, which included improving the quality of life of ANC 6A residents by reducing the negative impact on the community caused by the sale of singles, such as litter, public drunkenness, and loitering, and encouraging and contributing to the economic revitalization of the H Street, N.E., corridor. In considering the appropriateness of the request, the Board found the testimony and comments submitted by ANC 6A, MPD, and individuals citizens of the surrounding neighborhood to reveal that chronic problems with peace, order, and quiet, more pointedly with respect to litter, loitering, public drunkenness, public urination, and criminal activity persist throughout the H Street, N.E., corridor because of the sales of single containers of alcoholic beverages. The Board notes that based upon testimony of community residents regarding the types of containers found littered in the neighborhood, and the written comments of Councilmember Wells, the moratorium is specifically limiting the sale of: (1) individual containers of beer, malt liquor, or ale; and, (2) liquor sold in half-pints or smaller.

The ANC 6A Moratorium Petition noted that criminal activity, such as the public consumption of alcoholic beverages, public urination, public intoxication, and other disorderly conduct occur as a result of the sale of single containers of alcoholic beverages. The ANC 6A Moratorium Petition cited the successful enactment of a similar ban on single sales in the Mount Pleasant neighborhood, which over the course of four (4) years has resulted in a forty-one percent (41%) reduction in total calls for MPD service, and a fifty-one percent (51%) reduction in disorderly calls allowing MPD officers to focus on more serious crimes in the neighborhood. These statistics were affirmed by testimony received from Laurie Collins, President, on behalf of MPNA – the community association that initiated the Mount Pleasant ban on single sales – who also noted that there is noticeably less public urination, less littering of empty bottles and cans on the street, and less public drinking since off-premises retailers in the Mount Pleasant neighborhood were prohibited from selling single containers of alcohol. The testimony and comments provided by MPD revealed that between January 1, 2006 and December 10, 2006, between the 800 and 1400 block of H Street, N.E., there were three hundred and thirty (330) calls for service for quality of life crimes, which consist of urinating in public, drinking in public, public intoxication, and general disorderly conduct, requiring two hundred and ninety-seven (297) MPD man hours to handle all of the calls. Additionally, during that same time period, there were two hundred and forty-five (245) quality of life arrests made, which required four hundred and ninety (490) MPD hours of work to process all of the arrests. Based on his professional experience and familiarity with the H Street, N.E., corridor, Sergeant James Rogers indicated that the quality of life crimes along the H Street, N.E., corridor are directly related to the sale of single containers of alcoholic beverages because of the easy access individuals have to the alcohol and that the enactment of a moratorium will allow MPD officers to spend more time on the streets.

The Board found based upon the testimony and evidence submitted by Commissioner Mary Beatty, Commissioner Raphael Marshall, and residents of the neighborhood that prohibiting the sale of single containers of alcoholic beverages will have a positive

impact not only on the littering and loitering that is occurring along the H Street, N.E., corridor, but also on improving existing problems with pedestrian safety in this area. The testimony of residents David Burnheart and Malcolm Ross revealed that individual beer cans, malt liquor cans, and half pints of alcohol are littered throughout the neighborhood causing both an eyesore and a daily cleaning burden for community residents. Also, the Board found the testimony and pictorial evidence submitted by Commissioners Beatty and Marshall to reveal that the H Street, N.E., corridor has become a destination for alcohol as people are often seen getting off buses and out of cars going into licensed establishments and then using the curbsides as open-air bars, drinking alcoholic beverages from brown paper bags. The testimony and comments further revealed to the Board that the loiterers engaging in public drinking then have a negative impact on pedestrian safety as community residents are afraid to walk along the H Street, N.E., corridor for fear of encountering inebriated individuals.

In rendering its decision, the Board agreed with ANC 6A that the crime, littering, loitering, and public intoxication associated with the sale of single containers of alcoholic beverages is a major impediment to the economic revitalization of the H Street, N.E., corridor because each of those factors contributes to the perception that the area is unsafe, ultimately discouraging community residents from patronizing retail businesses along the corridor. The Board's assessment was also based upon the written comments of Mayor Fenty and Councilmember Wells, who each expressed support for the moratorium as an effective mechanism to improve the general quality of life along the H Street, N.E., corridor and to hasten the revitalization of the neighborhood by reducing the loitering, public drunkenness, littering, and crime. The testimony and evidence provided by Derrick Lanardo Woody, a coordinator with DMPED, confirmed that the government of the District of Columbia has committed millions of dollars towards improving the infrastructure along the H Street, N.E., corridor; however, the moratorium will attract quicker those commercial and residential developers that have expressed skepticism about investing in the area because of the pervasive loitering and public intoxication problems along the corridor. The Board notes that it received testimony and comments in opposition to the moratorium from Paul Pascal, on behalf of the D.C. Association of Beverage Alcohol Wholesalers, Gary Cha, on behalf of KAGRO, neighborhood residents Bobby Pittman and Hannah Goldstein, and Lincoln Jerome Hodges, manager of Family Liquors, located at 710 H Street, N.E. However, the Board found the arguments put forth by those in opposition to the moratorium to be less convincing in the face of a more wide-spread consensus as presented by ANC 6A, MPD, government leaders, and neighborhood residents that a moratorium on the sale of single containers of alcoholic beverages is vital to improving the current overall condition of the H Street, N.E., corridor.

The statements set forth above reflect the written reasons for the Board's decision as required by section 303.1 of Title 23 DCMR.

Pursuant to D.C. Official Code § 25-211(b)(2) (2006 Supp.), these proposed rules are also being transmitted to the Council of the District of Columbia, for a ninety (90) day period of review. The proposed rules will become effective in not less than thirty (30)

days from publication of this notice in the D.C. Register, or upon approval by the Council by resolution, whichever occurs later. If the Council does not approve or disapprove the proposed rules by resolution, in whole or in part, within the ninety (90) day review period, the proposed rules shall be deemed disapproved.

Title 23 DCMR, Chapter 3 (Limitations on Licenses), is amended by inserting a new section 310 to read as follows:

### **310 H STREET MORATORIUM ZONE**

- 310.1 The H Street Moratorium Zone shall consist of both sides of the street on H Street, N.E., between and including the 700 block of H Street, N.E., and the 1400 block of H Street, N.E.
- 310.2 Within the H Street Moratorium Zone, a licensee under an off-premises retailer's license, class A or B, shall not sell, give, offer, expose for sale, or deliver either: (1) an individual container of beer, malt liquor, or ale; or, (2) spirits (liquor) in sizes of half-pint or smaller.
- 310.3 Within the H Street Moratorium Zone, a licensee under an off-premises retailer's license, class A or B, shall not divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package.
- 310.4 This section shall apply to new or transferred class A or B retailer's licenses issued during the moratorium period within the H Street Moratorium Zone.
- 310.5 The section shall expire three (3) years after the date of publication of the notice of final rulemaking.

Copies of the proposed rulemaking can be obtained by contacting Fred Moosally, General Counsel, Alcoholic Beverage Regulation Administration, 941 North Capitol Street, N.E., 7<sup>th</sup> Floor, Washington, D.C. 20002. All persons desiring to comment on the proposed rulemaking must submit their written comments, not later than thirty (30) days after the date of the publication of this notice in the D.C. Register, to the above address.

**CHILD AND FAMILY SERVICES AGENCY****NOTICE OF PROPOSED RULEMAKING**

The Interim Director of the Child and Family Services Agency (CFSA), pursuant to section 2(o) of the Child and Family Services Agency Establishment Amendment Act of 2000, effective April 4, 2001, D.C. Law 13-277, D.C. Official Code § 4-1303.03 (2006 Supp), section 106 of the Grandparent Caregivers Pilot Program Establishment Act of 2005 (Act), effective March 8, 2006, D.C. Law 16-69, 53 DCR 54, and Mayor's Order 2006-38, dated March 20, 2006, hereby gives notice of the intent to adopt the following amendment to Chapter 68 (Grandparent Caregivers Pilot Program Subsidies) of Title 29 of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register* and following the review by the Council of the District of Columbia (Council) required by section 106 of the Act. Pursuant to that section, the proposed rules will be transmitted to the Council and will become effective upon the Council's approval of the rules by resolution or the expiration of the Council's thirty (30) day review period, whichever occurs first, and publication of a notice of final rulemaking in the *D.C. Register*. The proposed amendment will require that criminal background checks be conducted every two (2) years as opposed to every year as part of the recertification process for the Grandparent Caregivers Pilot Program.

29 DCMR § 6807.4 is amended as follows:

Paragraph (b) is amended to read as follows:

- (b) Updated criminal background check every two (2) years from the date of the initial application;

Paragraph (c) is redesignated as paragraph (d) and a new paragraph (c) is added to read as follows:

- (c) Updated child protection register checks; and

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Dan Hoffman, Program Manager, Child and Family Services Agency, 400 6th Street, S.W., Washington, DC 20024. Copies of these proposed rules may be obtained without charge at this address.

**DEPARTMENT OF HEALTH**

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**NOTICE OF PROPOSED RULEMAKING**

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The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupation Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments to Chapter 43 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The purpose of the amendments is to amend the requirements for licensure in the District of Columbia; add regulations for licensure by endorsement which will accept a passing score from any regional board examination for applicants that have been actively engaged in the practice of Dental Hygiene in another state for the three (3) years immediately preceding the date of applying for licensure in the District of Columbia; to change the name of the District Examination to the District of Columbia Dental Law Examination; to amend § 4311 regarding the administration of anesthesia and nitrous oxide training by dental hygienist to include regulations for obtaining and maintaining certification and to amend the educational and training requirements necessary to obtain certification to be more in line with the requirements in other states; to amend the education and training requirements for dental hygienists to administer local anesthesia and nitrous oxide; and to amend the continuing education requirements to require dental hygienists to obtain continuing education in infection control and maintain current cardio pulmonary resuscitation certification.

Proposed Rulemaking was published on June 3, 2005, at 52 DCR 5306. No written comments were received during the thirty (30) day comment period from the public in connection with this notice. After publication the Board of Dentistry made additional amendments to the regulations to further ensure that all applicants for dental licensure in the District would be properly educated and trained before obtaining licensure. Specifically, the proposed rulemaking was amended to require that applicants who have passed a regional board examination other than the North East Regional Board examination must also have been actively engaged in the practice of Dental Hygiene in another state for the three (3) years prior to applying for licensure in the District in order to obtain licensure.

Therefore, the rulemaking was republished on January 27, 2006 at 53 DCR 561. The Board received written comments from the District of Columbia Dental Society and the District of Columbia Dental Hygienists' Association in connection with this notice. The Board also received comments from the Director of the Howard University Dental Hygiene Program. The Board has amended the proposed rulemaking to remove the requirement of biennial renewal of the dental hygiene certification to administer local anesthesia and nitrous oxide and instead grant a continuing authorization in its place; to clarify the permissible functions of dental hygienists, and to amend the continuing education requirements to include cardiopulmonary resuscitation for healthcare providers and infection control. Therefore the proposed rulemaking is being republished to provide thirty (30) days to receive comments on the revised rulemaking. These Proposed Rules supercede

those published on January 27, 2006.

**The following rulemaking action is proposed:**

**17 DCMR Chapter 43, DENTAL HYGIENE, is amended to read as follows:**

**Section 4302.2 is amended to read as follows:**

4302.2        An applicant shall submit an official certificate of graduation in a sealed envelope from the educational institution to the Board with the completed application.

**Section 4303.2 is amended to read as follows:**

4303.2        An applicant under this section, in lieu of meeting the requirements of § 4302.1, shall do the following:

- (a) Submit to the Board an official transcript and a copy of the degree or diploma indicating that the applicant has completed a professional program in the field of dental hygiene in any country other than the United States or its territories, or the Dominion of Canada; and
- (b) Submit to the Board proof that the applicant has successfully completed the National Board of Dental Hygiene Examination.

**The Section heading for 4304 is amended to read as follows:**

**4304            LICENSURE BY EXAMINATION**

**Section 4304.1 is amended to read as follows:**

4304.1        To qualify for a license by examination, an applicant shall:

- (a) Meet the education requirements set forth under § 4302.1 or § 4303 of this chapter; and
- (b) Receive a passing score on the following:
  - (1) The National Board of Dental Hygiene Examination;
  - (2) The Northeast Regional Board (NERB) examination; and
  - (3) The District of Columbia Dental Law Examination.

**Section 4304.2 is amended to read as follows:**

4304.2        To apply for a license by examination, an applicant shall:

- (a) Submit a completed application to the Board on the required forms and include:
  - (1) The applicant's social security number on the application; and
  - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.
- (b) Submit an official certificate of graduation in a sealed envelope from the educational institution(s) to the Board, which shall verify that the applicant meets the educational requirements set forth under § 4302.1 or 4303.1 of this chapter;
- (c) Submit the applicant's examination results, which have been certified or validated by the NERB and the National Board of Dental Hygiene Examination;
- (d) Pass the District of Columbia Dental Law Examination; and
- (e) Pay all required fees.

**Section 4304.4 is amended to read as follows:**

- 4304.4      An applicant who has successfully completed the NERB examination ten (10) or more years prior to the date of receipt by the Board of the application for licensure shall be required to retake the NERB examination, unless the applicant is applying for licensure by endorsement pursuant to § 4309 of this chapter.

**Section 4305 is amended to read as follows:**

**4305            DISTRICT OF COLUMBIA DENTAL LAW EXAMINATION**

- 4305.1      To qualify for a license under this chapter, all applicants without exception shall receive a passing score on a written examination developed by the Board on laws and rules pertaining to the practice of dentistry and dental hygiene (the District of Columbia Dental Law Examination).
- 4305.2      Repealed
- 4305.3      The District of Columbia Dental Law Examination may consist of questions on general District laws pertaining to dentistry and dental hygiene including the Act, this chapter, and chapters 40, 41, and 42 of this title.



**Section 4306.1 is amended to read as follows:**

- 4306.1 Except as provided in § 4306.2, this section applies to applicants for the renewal, reactivation, or reinstatement of a license for a term expiring December 31, 2009.

**Section 4306.2 is amended to read as follows:**

- 4306.2 This section shall not apply to applicants for an initial license by examination or endorsement and shall not apply to applicants for the first renewal of a license granted by examination.

**Section 4306.4 is amended to read as follows:**

- 4306.4 An applicant for renewal of a license shall submit proof pursuant to § 4306.7 of having completed fifteen (15) hours of approved continuing education credit, which shall include current CPR certification for healthcare providers at the basic level and two (2) hours of infection control training, obtained within the two (2) year period preceding the date the license expires.

**Section 4306.5 is amended to read as follows:**

- 4306.5 To qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2001) who submits an application to reactivate a license shall submit proof pursuant to § 4306.7 of having completed fifteen (15) hours of approved continuing education credit, which shall include current CPR certification for healthcare providers at the basic level and two (2) hours of infection control training, obtained within the two (2) year period preceding the date of the application for reactivation of that applicant's license and an additional eight (8) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year.

**Section 4306.6 is amended to read as follows:**

- 4306.6 To qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 4306.7 of having completed fifteen (15) hours of approved continuing education credit, which shall include current CPR certification for healthcare providers at the basic level and two (2) hours of infection control training, obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant's license and an additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year.

**A new section 4306.12 is added to read as follows:**

- 4306.12 Not more than eight (8) continuing education units ("CEUs") for approved

internet continuing education courses may be accepted in any renewal period, or for reinstatement or reactivation of a license.

**A new section 4306.13 is added to read as follows:**

4306.13 Internet courses and programs shall not be used to satisfy the continuing education CPR certification requirement.

**Section 4308.2 is amended to read as follows:**

4308.2 For approved undergraduate courses, each semester hour of credit shall constitute fifteen (15) hours of continuing education credit.

**Section 4309 is amended to read as follows:**

**4309 LICENSURE BY ENDORSEMENT**

4309.1 An applicant is eligible to apply for licensure by endorsement in the District of Columbia if the applicant:

- (a) Meets the education requirements set forth under § 4302.1 or § 4303 of this chapter;
- (b) Has successfully completed the National Board of Dental Hygiene Examination;
- (c) Is currently licensed, in good standing, to practice dental hygiene in another state of the United States; and
- (d) Has passed one of the following:
  - (1) The NERB examination;
  - (2) A regional board examination, other than the NERB examination, and meets the active practice requirement set forth in § 4309.3(f); or
  - (3) A state dental examination determined by the Board to be substantially equivalent, and meets the active practice requirements set forth in § 4309.3(f) of this chapter.

4309.2 An applicant, holding an active license to practice dental hygiene in any other U.S. state, who has passed the NERB examination, shall apply for licensure by endorsement as follows:

- (a) Submit a completed application to the Board on the required forms and include:
  - (1) The applicant's social security number on the application; and

- (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.
- (b) Submit a copy of his or her current license with the application;
- (c) Obtain verification from each state in which the applicant holds or has ever held a professional health occupation license, that the license is current and in good standing, or if the license is no longer active, that it was in good standing immediately prior to its expiration. The licensure verification form shall be sent directly to the Board, by the verifying Board;
- (d) Submit the applicant's NERB examination results, which have been certified or validated by the NERB;
- (e) Submit the applicant's National Board of Dental Hygiene examination results, which have been certified or validated by the National Board of Dental Hygiene Examination;
- (f) Pass the District of Columbia Dental Law Examination; and
- (g) Pay all required fees.

4309.3

An applicant, holding an active license to practice dental hygiene in any other U.S. state, who has passed a regional board examination, other than the NERB examination, shall apply for licensure by endorsement as follows:

- (a) Submit a completed application to the Board on the required forms and include:
  - (1) The applicant's social security number on the application; and
  - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.
- (b) Submit a copy of his or her current license with the application;
- (c) Obtain verification from each state in which the applicant holds or has ever held a professional health occupation license, that the license is current and in good standing, or if the license is no longer active, that it was in good standing immediately prior to its expiration. The licensure verification form must be sent directly to the Board, by the verifying Board;
- (d) Submit the applicant's regional board examination results, which have been certified or validated by the regional board;

- (e) Submit the applicant's National Board of Dental Hygiene examination results, which have been certified or validated by the National Board of Dental Hygiene Examination;
- (f) Submit evidence satisfactory to the Board establishing that the applicant has been actively engaged in the practice of dental hygiene in another U.S. state, in good standing, for the three (3) years immediately preceding the application, and has at least one hundred and fifty (150) hours of active dental hygiene practice. The practice of dental hygiene in the armed forces, state and federal programs, and intern and residency programs may be counted toward the required hours of active practice;
- (g) Pass the District of Columbia Dental Law Examination; and
- (h) Pay all required fees.

4309.4 In addition to the requirements set forth in this section, the Board may, in its discretion, require an applicant for licensure by endorsement to take and successfully complete a competency examination, or any portion thereof deemed necessary by the Board, as a prerequisite to licensure if the applicant's licensure in any state was ever denied, revoked, or suspended for incompetency or inability to practice in a safe manner.

4309.5 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, submit the required documents and completed forms, and pay the required fees.

4309.6 Nothing in this section shall be construed to prohibit the Board from utilizing other authorized databases to verify an applicant's current licensure standing in other jurisdictions of the U.S. or to review disciplinary records.

**Section 4310.2 is amended to read as follows:**

4310.2 In addition to the functions listed in § 4310.1, a dental hygienist may perform the following functions under the direct supervision of a licensed dentist, as authorized by § 102(4)(A)(vi) of the Act, D.C. Official Code §3-1201.2 (4)(A)(vi) (2001):

- (a) Monitoring of nitrous oxide;
- (b) Administration of local anesthesia with board identified criteria and authorization;
- (c) Administration of nitrous oxide with board identified criteria and

authorization;

- (d) Placement of periodontal dressings;
- (e) Placement of temporary restorations;
- (f) Removal of temporary restorations;
- (g) Removal of periodontal dressings;
- (h) Removal of sutures;
- (i) Taking of study cast impressions;
- (j) Placement and removal of rubber dams; and
- (k) Bleaching.

**Section 4310.3(g) is amended to read as follows:**

- 4310.3        (g) Placement and removal of matrices; and

**A new section 4310.3(h) is added to read as follows:**

- 4310.3        (h) Any function that is defined as the practice of dentistry under the Act unless specifically authorized under this subchapter.

**Section 4311 is amended to read as follows:**

**4311            ADMINISTRATION OF LOCAL ANESTHESIA AND NITROUS  
OXIDE BY DENTAL HYGIENISTS**

- 4311.1        A licensed dental hygienist authorized by the District of Columbia Board of Dentistry ("Board") to administer local anesthesia or nitrous oxide pursuant to this section may administer local anesthesia or nitrous oxide in the District of Columbia.
- 4311.2        A licensed dental hygienist authorized by the Board to administer local anesthesia and nitrous oxide shall administer local anesthesia and nitrous oxide only under direct supervision of a dentist licensed under the Act.
- 4311.3        A licensed dental hygienist authorized by the Board to administer local anesthesia and nitrous oxide shall maintain current CPR certification for healthcare providers at the basic level. This training shall include use of either an automated external defibrillator or a defibrillator and electrocardiograph.

- 4311.4 An applicant for authorization to administer local anesthesia and nitrous oxide shall do the following:
- (a) Submit a completed application and pay the required fee;
  - (b) Submit a copy of a valid CPR certification for healthcare providers at the basic level; and
  - (c) Demonstrate to the satisfaction of the Board that he or she has:
    - (1) Applied for licensure under this chapter as a dental hygienist, or has been issued a license under this chapter as a dental hygienist;
    - (2) Satisfactorily completed a training program or course of study in a formal program in the administration of local anesthesia and nitrous oxide meeting the requirements set forth in § 4311.6; and
    - (3) Satisfactorily completed a written examination(s) in the administration of local anesthesia and nitrous oxide administered by the Northeast Regional Board of Dental Examiners (NERB), other regional board, state board, or any agency approved by the Board.
- 4311.5 An applicant who is authorized to administer local anesthesia and nitrous oxide in another state may apply for authorization to administer in the District by submitting the following:
- (a) A completed application and payment of the required fee;
  - (b) A copy of a valid CPR certification for healthcare providers at the basic level;
  - (c) Verification of his or her authorization to administer local anesthesia and nitrous oxide in the other state or jurisdiction; and
  - (d) Demonstrate to the satisfaction of the Board that he or she has:
    - (1) Applied for licensure under this chapter as a dental hygienist, or has been issued a license under this chapter as a dental hygienist;
    - (2) Satisfactorily completed a training program or course of study in a formal program in the administration of local anesthesia and nitrous oxide which is substantially similar to the training program requirements set forth in § 4311.7; and
    - (3) Satisfactorily completed a written examination(s), not more than ten (10) years prior to the date of the application, in the administration of local anesthesia and nitrous oxide administered by the Northeast Regional

Board of Dental Examiners (NERB), other regional board, state board, or any agency recognized by the Board.

4311.6 The training program or course of study required in § 4311.4 shall meet the following requirements:

- (a) Be provided by a dental or dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association; or an entity certified by the American Dental Association Continuing Education Recognition Program (CERP) which;
- (b) Consists of a minimum of twenty (20) didactic hours and twelve (12) clinical hours; and
- (c) Has a curriculum that includes but is not limited to the following topics:
  - (1) Anatomy of head, neck and oral cavity;
  - (2) Nitrous oxide administration;
  - (3) Recordkeeping;
  - (4) Armamentarium exercise;
  - (5) Local anesthesia and nitrous oxide;
  - (6) Neurophysiology;
  - (7) Pharmacology of local anesthetics and nitrous oxide;
  - (8) Pharmacology of vasoconstrictors;
  - (9) Potential local and systematic complications;
  - (10) Recognition and management of post-injection complications and reactions to injections;
  - (11) Contraindications;
  - (12) Medical and dental history evaluation procedures including psychological evaluation;
  - (13) Proper infection control techniques and proper disposal of sharps; and
  - (14) Hands-on practice, under direct supervision, including at least three

clinical experiences in each of the following:

- (A) Basic injection techniques;
- (B) Basic placement techniques;
- (C) Techniques of maxillary anesthesia;
- (D) Techniques of mandibular injections; and
- (E) Partner injections and partner administration of nitrous oxide;

**A new section 4312.3 is added to read as follows:**

4312.3 Any holder of a license under this Chapter or any person authorized to practice dental hygiene under this Chapter shall comply with the Code of Ethics established by the American Dental Hygienists' Association as it may be amended or republished from time to time.

**Section 4399.1 is amended to add the following:**

**NERB-North East Regional Board of Dental Examiners, Inc.**

**NERB Examination-** the examination in dental hygiene offered by the North East Regional Board of Dental Examiners, Inc., or its successor.

**Regional Board-** the examination in dental hygiene offered by the North East Regional Board of Dental Examiners, Inc. or an equivalent national or regional clinical testing agency recognized by the Board.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the D.C. Register, to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 9:00 a.m. and 5:00 p.m. at the address listed above.



**DEPARTMENT OF HEALTH****NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998; hereby gives notice of his intent to take final rulemaking action to adopt the following addition to Chapter 67 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of the addition is to clarify the procedure to be followed if a physical therapy patient has not responded to treatment after thirty (30) days.

**Chapter 67 (Physical Therapy) of Title 17 (Business, Occupations & Professions) (May 1990) is changed as follows:**

**Add a new section 6710.12 to read as follows:**

6710.12      If a physical therapy patient fails to respond to treatment within thirty (30) days after being seen by a physical therapist for the first time, the physical therapist shall refer the patient to an appropriate health care provider for assessment, medical diagnosis, intervention, or referral.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty days after the date of publication of this notice in the D.C. Register. Comments should be sent to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9:00 a.m. to 5 p.m., Monday through Friday, excluding holidays.

**DEPARTMENT OF HEALTH****NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the D.C. Health Occupations Revision Act of 1985, effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendment to Chapter 72 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of these amendments is to clarify the education, training, and experiential requirements and the scope of practice for the profession of recreation therapy.

**Chapter 72 (Recreation Therapy) of Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended to read as follows:**

**Sections 7200.1 is amended to read as follows:**

7200.1      This chapter applies to applicants and holders of a registration to practice recreation therapy. This chapter applies only to persons practicing under the title Recreation Therapist or Certified Therapeutic Recreation Specialist. This chapter is not applicable to Activity Therapists, Activity Professionals, Activity Aides, Leisure Professionals, Recreation Professionals, or Recreation Aides as long as they do not hold themselves out to the public as a Recreation Therapist or Certified Therapeutic Recreation Specialist as defined by § 7203.2.

**Section 7200.4 is amended to read as follows:**

7200.4      The term "Board" as found in Chapters 40 and 41 of this title shall in all instances refer to the Director of the Department of Health. The Director shall possess all powers and assume all functions assigned to a "Board" under these administrative procedures, as well as the powers and functions retained by the Director.

**Section 7202.1 is amended to read as follows:**

7202.1      An applicant for registration to practice as a recreation therapist may meet the education, training, and experience requirements by furnishing to the Director satisfactory proof that the applicant has been certified by the National Council for Therapeutic Recreation Certification (NCTRC) at the professional level of Certified Therapeutic Recreation Specialist.

The heading for section 7203 is amended to read as follows:

**7203            SCOPE OF PRACTICE OF REGISTERED RECREATION  
THERAPIST OR CERTIFIED THERAPEUTIC RECREATION**

Section 7203.3 is amended to read as follows:

7203.3            The practice of recreation therapy for either individuals or groups that require specific therapeutic recreation or recreation therapy intervention with such services being provided for recreation resources and opportunities to improve health and well being shall include the following:

- (a) All direct patient or client services of assessment;
- (b) Planning;
- (c) Design;
- (d) Implementation;
- (e) Evaluation;
- (f) Documentation of specific interventions;
- (g) Management;
- (h) Consultation;
- (i) Research; and
- (j) Education.

Section 7204 is amended in its entirety to read as follows:

**7204            LAWFUL PRACTICE**

7204.1            Any person who practices or offers to practice recreation therapy in the District of Columbia as defined by § 7203.2 shall be registered pursuant to these rules. Current certification shall be maintained with the NCTRC.

7204.2            A certified therapeutic recreation specialist registered to practice in the District of Columbia shall adhere to the Code of Ethics established by the American Therapeutic Recreation Association as they may be amended from time to time.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty days after the date of publication of this notice in the D.C. Register. Comments should be sent to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9:00 a.m. to 5 p.m., Monday through Friday, excluding holidays.

**DEPARTMENT OF HEALTH****NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth under § 302 (14) of the District of Columbia Health Occupations Revision Act of 1985 (Act), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments to Title 17 (Business, Occupations & Professions) (May 1990) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The purpose of the amendment is to update licensure and practice regulations for the profession of Marriage and Family Therapy.

This proposed rulemaking was previously published on April 20, 2007 at 54 DCR 3533. No written comments were received during the thirty (30) day comment period from the public in connection with this notice. After publication the Board of Marriage and Family Therapy made additional amendments to the regulations which included technical corrections, amendments to clarify that the waiver of examination and education requirements set forth in § 7706.1 applied to all individuals licensed in an allied health profession as opposed to only individuals licensed in the District of Columbia, and to clarify that online degree programs will not be accepted by the Board for licensure.

The purpose of the amendments is to addressing the "grandfathering" of those marriage and family therapists not currently licensed and by establishing rules for supervising those in training to become licensed therapists. This proposed rulemaking will supercede the Notice published on April 20, 2007.

**Chapter 77 (Marriage and Family Therapy) of Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended as follows:**

**Section headings for Chapter 77 are amended to read as follows:**

- |      |  |
|------|--|
| 7700 | GENERAL PROVISIONS                               |
| 7701 | TERM OF LICENSE                                  |
| 7702 | EDUCATIONAL REQUIREMENTS                         |
| 7703 | EXPERIENTIAL REQUIREMENTS                        |
| 7704 | APPLICANTS EDUCATED IN FOREIGN COUNTRIES         |
| 7705 | NATIONAL EXAMINATION                             |
| 7706 | WAIVER OF EXAMINATION AND EDUCATION REQUIREMENTS |

- 7707 CONTINUING EDUCATION REQUIREMENTS
- 7708 APPROVED CONTINUING EDUCATION PROGRAMS AND  
ACTIVITIES
- 7709 UNAPPROVED CONTINUING EDUCATION PROGRAMS AND  
ACTIVITIES
- 7710 CONTINUING EDUCATION CREDITS
- 7711 LICENSURE BY ENDORSEMENT
- 7712 PRACTICE OF MARRIAGE AND FAMILY THERAPY BY  
STUDENTS, GRADUATES AND FIRST TIME APPLICANTS
- 7713 STANDARDS OF CONDUCT
- 7799 DEFINITIONS

**Amend section 7702 to read as follows:**

**7702 EDUCATIONAL REQUIREMENTS**

- 7702.1 An applicant shall furnish proof satisfactory to the Board in accordance with § 831(a) of the Act, (D.C. Official Code § 3-1208.31(a) (2004 Supp.)) that the applicant:
- (a) Has successfully completed a master's degree or a doctoral degree in marriage and family therapy from a recognized educational institution;  
or
  - (b) Possesses a graduate degree in an allied field as defined in section 7799, from a recognized educational institution and has successfully completed graduate level course work which is equivalent to a master's degree in marriage and family therapy, as determined by the Board.
- 7702.2 For the purposes of section 7702.1, qualifying degrees shall consist of at least sixty (60) semester hours or ninety (90) quarter credits in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) and shall not include on line degree programs.
- 7702.3 A qualifying graduate degree shall include a total of at least thirty-nine (39) semester hours in the following areas:

- (a) A minimum of three (3) semester hours in family systems theories and their application in working with a wide variety of family structures, which shall include:
  - (1) Studies of families in transition, nontraditional families and blended families; and
  - (2) A diverse range of marriage and family issues presented in a clinical setting;
- (b) A minimum of six (6) semester hours of marriage and family studies, which shall include:
  - (1) Theoretical foundations, history, philosophy, etiology and contemporary conceptual directions of marriage and family therapy or marriage and family counseling; and
  - (2) Preventative approaches, including premarital counseling, parent skill training and relationship enhancement, for working with couples, families, individuals, subsystems and other systems;
- (c) A minimum of nine (9) semester hours of marriage and family therapy, which shall include:
  - (1) The practice of marriage and family therapy related to theory, and a comprehensive survey and substantive understanding of the major models of marriage and family therapy or marriage and family counseling; and
  - (2) Interviewing and assessment skills for working with couples, families, individuals, subsystems and other systems, and skills in the appropriate implementation of systematic interventions across a variety of marriage and family issues presented in a clinical setting, including socioeconomic, abuse and addiction issues;
- (d) A minimum of nine (9) semester hours of human development, which shall include:
  - (1) Individual development and transitions across the life span;
  - (2) Family, marital and couple life cycle development and family relationships, family of origin and intergenerational influences, cultural influences, ethnicity, race, socioeconomic status,

religious beliefs, gender, sexual orientation, social and equity issues, and disability;

- (3) Human sexual development, function and dysfunction, impacts on individuals, couples, and families, and strategies for intervention and resolution; and
  - (4) Issues of violence, abuse, and substance use in a relational context, and strategies for intervention and resolution;
- (e) A minimum of six (6) semester hours of psychological and mental health competency which shall include:
- (1) Psychopathology, including etiology, assessment, evaluation, and treatment of mental disorders, use of the current diagnostic and statistical manual of mental disorders, differential diagnosis, and multiaxial diagnosis;
  - (2) Standard mental health diagnostic assessment methods and instruments, including standardized tests; and
  - (3) Psychotropic medications and the role of referral to and cooperation with other mental health practitioners in treatment planning, and case management skills for working with individuals, couples, and families;
- (f) A minimum of three (3) semester hours of professional ethics and identity, which shall include:
- (1) Professional identity, including professional socialization, professional organizations, training standards, credentialing bodies, licensure, certification, practice settings, and collaboration with other disciplines;
  - (2) Ethical and legal issues related to the practice of marriage and family therapy, legal responsibilities of marriage and family therapy and marriage and family counseling practice and research, business aspects, reimbursement, record keeping, family law, confidentiality issues, and the relevant code of ethics, including the code of ethics specified by the Board; and
  - (3) The interface between therapist responsibility and the professional, social, and political context of treatment; and
- (g) A minimum of three (3) semester hours of research, which shall include:



- (1) Research in marriage and family therapy or marriage and family counseling and its application to working with couples and families; and
- (2) Research methodology, quantitative and qualitative methods, statistics, data analysis, ethics, and legal considerations of conducting research, and evaluation of research.

**Amend section 7703 to read as follows:**

**7703 EXPERIENTIAL REQUIREMENTS**

- 7703.1 An applicant shall furnish proof satisfactory to the Board that the applicant has completed a minimum of two (2) years of post-graduate work, within five (5) years of graduation, consisting of supervised clinical work experience in marriage and family therapy following completion of the first qualifying graduate degree and practicum required as part of the course of study.
- 7703.2 Unless good cause is shown, the post-graduate work shall be completed within five (5) years after the day the first qualifying degree was conferred and the practicum completed.
- 7703.3 Pursuant to section 7703.1, supervision shall be provided by supervisors approved by the American Association for Marriage and Family Therapy (AAMFT) or by the Board.
- 7703.4 In addition to satisfying the requirements of sections 7703.1 and 7703.2, an applicant shall document successful completion of the following:
- (a) A minimum of fifteen hundred (1,500) hours of face-to-face contact with couples, families and individuals for the purpose of assessment and intervention; and
  - (b) A minimum of three hundred (300) hours of supervised marriage and family therapy, with at least one hundred (100) hours being individual supervision. The remaining hours may be group supervision.
- 7703.5 An applicant who has practiced marriage and family therapy for a period of at least five (5) years prior to the date of submission of the application in a jurisdiction that does not require licensure shall not be required to be supervised pursuant to sections 7703.1, 7703.2, 7703.3, and 7703.4.

**Amend section 7706 to read as follows:**

**7706 WAIVER OF EXAMINATION AND EDUCATION REQUIREMENTS**

**7706.1** The Board shall waive the examination and education requirements of this chapter for applicants licensed in an allied field who:

(a) Hold at least a Master's degree in psychology, social work, psychiatry, professional counseling, or other allied field from an institution of higher education which was accredited by an accrediting body recognized by the Secretary of the United States Department of Education or the Council on Postsecondary Accreditation, or its successor;

(b) Prove to the satisfaction of the Board that the applicant has completed at least twenty-four (24) hours of family systems theory training with such training being achieved by:

(1) Attending an accredited college course in family systems theory for one (1) semester; or

(2) Attending Board-approved workshops and seminars; or

(3) Being under the immediate supervision of a Board-approved marriage and family therapist while performing the functions of a marriage and family therapist in face-to-face contact with clients for twenty-four (24) hours;

(c) Submit a sworn statement attesting to the fact that the applicant has been performing the functions of a marriage and family therapist, as defined in section 7799, with at least seven hundred and fifty (750) hours of face-to-face contact with clients per year for at least two (2) years immediately preceding March 1, 2007 and which shall include the:

(i) Details of the nature of the practice;

(ii) Time period of practice;

(iii) Name(s) of supervisor(s) or professional colleagues, as applicable; and

(iv) Place(s) where the applicant has performed the functions of a marriage and family therapist;

(d) Submit two (2) letters of recommendation with one from an immediate supervisor who is currently supervising, or has supervised the applicant's work in marriage and family therapy, and one from a professional colleague, with both letters attesting to the fact that the applicant has been practicing as a marriage and family therapist; and

(e) Apply for licensure within two (2) years after July 1, 2007.

7706.2 Pursuant to section 7706.1, an applicant for licensure who has been in an independent, private practice full time or substantially full time continuously since March 1, 2005 may substitute two (2) letters of recommendation from professional colleagues in an allied field or in marriage and family therapy in lieu of a letter of recommendation from a supervisor.

7706.3 The Board shall waive the examination and education requirements of this chapter for an applicant unlicensed in an allied field in the District of Columbia who:

(a) Holds at least a master's degree in psychology, social work, psychiatry, professional counseling, or other allied field from an institution of higher education which was accredited by an accrediting body recognized by the Secretary of the United States Department of Education or the council on Postsecondary Accreditation or its successor, and can prove to the satisfaction of the Board that the applicant has been performing the functions of a marriage and family therapist, as defined in section 7799 with at least five hundred (500) hours per year of face-to-face contact with clients for at least five (5) years immediately preceding March 1, 2007, and

(b) Applies for licensure within two (2) years after July 1, 2007.

7706.4 An applicant unlicensed in an allied field in the District of Columbia shall submit a sworn statement that the applicant has practiced as a marriage and family therapist during the applicable time period through March 1, 2007 including the details of the nature of the practice, time period, name(s) of supervisor(s) and place(s) where the applicant has performed the functions of a marriage and family therapist.

7706.5 In addition to the requirements of section 7706.3 and section 7706.4, an applicant unlicensed in an allied field shall submit two (2) letters of recommendation with one from an immediate supervisor who is currently supervising, or has supervised the applicant's work in marriage and family therapy, and one (1) from a professional colleague, with both letters attesting to the fact that the applicant has been practicing as a marriage and family therapist.

- 7706.6 An applicant unlicensed in an allied field in the District of Columbia who has been in an independent, private practice full time or substantially full time continuously since March 1, 2002 may substitute two (2) letters of recommendation from professional colleagues in an allied field or in marriage and family therapy in lieu of a letter of recommendation from a supervisor.

**Amend section 7707 to read as follows:**

**7707 CONTINUING EDUCATION REQUIREMENTS**

- 7707.1 This section shall apply to applicants for the renewal, reactivation, and reinstatement of a license for the term expiring March 31, 2006 and for subsequent terms.
- 7707.2 This section shall not apply to applicants for an initial license by reciprocity or endorsement.
- 7707.3 Continuing education credit shall be granted only for programs or activities approved by the Board in accordance with section 7708.
- 7707.4 An applicant for renewal, reactivation, or reinstatement of a license to practice marriage and family therapy, shall submit proof of having completed thirty (30) hours of approved continuing education during the two-year (2) period preceding the date the license expires or preceding the date of the application for reactivation or reinstatement. The thirty (30) hours of approved continuing education shall include:
- (a) A minimum of fifteen (15) of the thirty (30) hours shall be completed in the physical presence of the approved sponsor;
  - (b) Six (6) hours of the thirty (30) hours shall be in ethics;
  - (c) The remaining twenty-four (24) hours of continuing education may consist of current and emerging issues in marriage and family therapy such as the study of:
    - (1) Non-traditional families;
    - (2) Domestic violence;
    - (3) HIV;
    - (4) Aging;

- (5) End-of-life issues;
- (6) Addiction and psychopharmacology; and
- (7) Trauma.

- 7707.5 To qualify for a license, a person in inactive status within the meaning of section 511 of the Act, (D.C. Official Code § 3-1205.11 (2001)), who submits an application to reactivate a license shall submit proof of having met the continuing education requirements for each licensing period that the license was in inactive status.
- 7707.6 To qualify for a license, an applicant for reinstatement of a license to practice marriage and family therapy pursuant to section 512 of the Act (D.C. Official Code § 3-1205.12 (2001)) shall submit proof of having completed fifteen (15) hours of credit in an approved continuing education program for each year after March 31, 2006 that the applicant was not licensed, up to a maximum of seventy-five (75) hours.
- 7707.7 An applicant for license renewal, reactivation, or reinstatement under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
  - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
  - (c) The dates on which the applicant attended the program;
  - (d) The hours of credit claimed; and
  - (e) Verification by the sponsor of completion, by signature or stamp.
- 7707.8 An applicant for renewal of a license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after expiration by submitting the proof pursuant to section 7707.7 and by paying the required additional late fee.
- 7707.9 Upon submitting proof and paying the late fee, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.

- 7707.10 If an applicant for renewal of a license fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of the applicant's license, the license shall be deemed to have lapsed on the date of expiration.
- 7707.11 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause.

**Amend section 7708 to read as follows:**

**7708 APPROVED CONTINUING EDUCATION PROGRAMS  
AND ACTIVITIES**

- 7708.1 The Board may, in its discretion, approve continuing education programs and activities that contribute to the growth of an applicant in professional competence in the practice of marriage and family therapy and that meet the other requirements of this section.
- 7708.2 The Board may approve the following types of continuing education if the programs or activity meets the requirement of section 7708.1:
- (a) An undergraduate or graduate course given at an accredited college or university;
  - (b) A seminar or workshop;
  - (c) An educational program given at a conference;
  - (d) Engaging in instructional hours while serving as an instructor or speaker at an institution of higher learning, conference, seminar, workshop, or in-service training;
  - (e) Professional writing, excluding reprints or republications of previously published materials, published within the two (2) years prior to the license renewal date, which consist of articles or books that meet the following requirements:
    - (1) Journal articles shall be published in professional journals;  
and
    - (2) Chapters authored in books acceptable under this section;
  - (f) Participation in research as a principal investigator or research assistant; and

- (g) Informal study or a home study program (documented by title, author, name of topic, time spent, written summary, and date(s) completed) carried out individually that is approved by the Board.

7708.3 A continuing education program shall meet all of the following requirements:

- (a) Be current in its subject matter and taught by qualified individuals;
- (b) Be approved by the Board; and
- (c) Meet one of the following requirements:
  - (1) Be administered or approved by a health care organization, accredited health care facility, or accredited college or university; or
  - (2) Be submitted by the program sponsors to the Board for review no less than sixty (60) days prior to the date of the presentation and be approved by the Board.

7708.4 The Board may issue and update a list of approved continuing education programs or providers.

**Amend section 7709 to read as follows:**

**7709 UNAPPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES**

7709.1 Continuing education credit shall not be granted for the following:

- (a) Organizational activity such as serving on committees or councils or as an officer in a professional organization;
- (b) Meetings or activities such as in-service programs which are required as part of one's job; and
- (c) Continuing education activity completed before the two (2) year period for which the continuing education credit is submitted.

**Amend section 7710 to read as follows:**

**7710 CONTINUING EDUCATION CREDITS**

- 7710.1 Professional research and writing conducted pursuant to section 7708.2 (e) or (f) shall account for a total of no more than ten (10) of the thirty (30) continuing education units required.

**Amend section 7711 to read as follows:**

**7711 LICENSURE BY ENDORSEMENT**

- 7711.1 The Board shall issue a license to a marriage and family therapist who has a valid unrestricted license from another jurisdiction of the United States or Canada if:
- (a) That person, when granted the license, met all requirements contained in section 7702.1 through section 7704.4 and any applicable Board rules; or
  - (b) The requirements of the other jurisdiction are, at the time of the application, substantially equivalent to the requirements of this chapter.

**Amend section 7712 to read as follows:**

**7712 PRACTICE OF MARRIAGE AND FAMILY THERAPY BY STUDENTS, GRADUATES AND FIRST-TIME APPLICANTS**

- 7712.1 This section shall apply to the following:
- (a) Students enrolled in recognized schools or colleges as candidates for a degree in marriage and family therapy, or enrolled in a college course pertaining to marriage and family therapy;
  - (b) Applicants for a license whose application for a license in the District of Columbia is pending; and
  - (c) Post graduates who are meeting the experiential requirements of section 7703.
- 7712.2 A student, graduate or applicant may perform actions which require a license as a marriage and family therapist only in accordance with the Act and this section.
- 7712.3 A first-time applicant for a marriage and family therapy license, student or graduate may practice marriage and family therapy under the general or immediate supervision of a marriage and family therapist licensed in the District of Columbia, or under an AAMFT or Board-approved supervisor, while the initial application is pending.



- 7712.4 A first-time applicant practicing marriage and family therapy pursuant to section 7712.1 (b) who fails the national examination administered by the Association of Marital and Family Therapy Regulatory Boards shall not thereafter continue to practice marriage and family therapy until such time as a marriage and family therapy license is duly issued to that individual.
- 7712.5 A marriage and family therapist supervising a student, graduate or applicant shall be responsible for the actions performed by the student or applicant during the time of the supervision and is subject to disciplinary action for any violation of the Act or this chapter by the person supervised.
- 7712.6 A supervisor shall review and co-sign any documentation written by a marriage and family student, graduate or applicant for a marriage and family therapy license.
- 7712.7 A supervisor shall not supervise more than five (5) graduates, students, or first-time applicants at any one time.
- 7712.8 The Board may deny an application for a license from an applicant who is found to have violated the Act or this chapter.
- 7712.9 An unlicensed marriage and family therapist shall identify himself or herself as such at all times when practicing marriage and family therapy.
- 7712.10 An unlicensed marriage and family therapist shall not receive compensation of any nature as a marriage and family therapist, either directly or indirectly from a client, except for a salary from an employer based on hours worked under supervision.

**Add section 7713 to read as follows:**

**7713 STANDARDS OF CONDUCT**

- 7713.1 Any holder of a license under this chapter or any person authorized to practice marriage and family therapy under this chapter shall comply with the standards of ethical and professional conduct established by the AAMFT as they may be amended or republished from time to time.
- 7713.2 A marriage and family therapist shall provide an informed consent form, signed by both parties, which shall notify the client of his or her rights and the risks involved during the therapy.
- 7713.3 The following documentation shall be maintained for each session between a marriage and family therapist, student, graduate, or applicant and the client:

- (a) The name of person or persons present;
- (b) The date of the session;
- (c) The times the session began and ended;
- (d) The issues presented (including assessment and history as appropriate);
- (e) The risks presented; and
- (f) The risks assessed.

**Amend section 7799 to read as follows:**

**7799            DEFINITIONS**

7799.1            As used in this chapter, the following terms shall have the meanings ascribed:

**Allied Field** – academic study in, or performing the professional functions associated with, psychology, social work, psychiatry, professional counseling, or other comparable mental health profession.

**Applicant** – a person applying for a license to practice marriage and family therapy under this chapter.

**Board** – the Board of Marriage and Family Therapy, established by section 217 of the Act, as amended by the Marriage and Family Therapy Amendment Act of 2003, effective March 10, 2004 (D.C. Law 15-88; D.C. Official Code § 3-1202.17).

**General supervision** – supervision in which an approved marriage and family therapist is available to the supervisee either in person or by a communications device.

**Good cause** – a legally sufficient reason for granting an extension because of:

- (a) Serious or protracted illness of the applicant;
- (b) The death or serious and protracted illness of a member of the applicant's immediate family; or

- (c) Deployment in a combat zone by the military whenever the United States is engaged in active military operations against any foreign power.

**Group supervision – supervision in which an approved marriage and family therapist is available in person to between three (3) and five (5) supervisees.**

**Immediate supervision – face-to-face supervision in which an approved marriage and family therapist, psychologist, psychiatrist, licensed independent clinical social worker, licensed professional counselor, or advanced practice nurse is either discussing or observing the supervisee's practice.**

**Individual supervision – supervision in which an approved marriage and family therapist is available in person to one (1) or two (2) supervisees.**

**Instructional hours – the amount of time spent in actual presentation excluding preparation hours.**

**Marriage and family therapist – a person licensed to practice marriage and family therapy under the Act.**

**Unlicensed marriage and family therapist – a person who has completed the educational requirements for a degree in marriage and family therapy but has not met the clinical requirements for licensure.**

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments on the proposed rules should be sent in writing to the Department of Health, Office of the General Counsel, 4<sup>th</sup> Floor, 825 North Capitol Street, NE, Washington, DC 20002. Copies of proposed rules may be obtained at the same address during the hours of 9:00 a.m. to 5 p.m., Monday through Friday, excluding holidays.

## DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF PROPOSED RULEMAKING

The Director and the Board of Trustee's of the District of Columbia Public Library ("DCPL") at its regular meeting held May 23, 2007, introduced and took final action to approve and adopt the new legislation to §§809.2 (b) and 818 to Chapter 8, Title 19 of the D.C. Municipal Regulations.

The District of Columbia Public Library Board of Trustee's, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, 29 Stat. 244, ch. 315, § 5; April 1, 1926, 44 Stat. 230, ch. 98, § 5; Mar. 3, 1979, D.C. Law 2 – 139, § 3205 (jjj), 25 DCR 5740; Sept. 5, 1985, D.C. Law 6 – 17, § 2, 32 DCR 3582; Apr. 12, 1997, D.C. Law 11-259, § 316, 44 DCR 1423; Oct. 21, 1998, 112 Stat. 2681 – 146, Pub. L. 105 – 277, § 156 (codified at D.C. Official Code section 39-105, 2001 Ed.); 27 DCRR § 2.1, 24 DCR 11011, 11014 (June 30, 1978); as amended by Final Rulemaking published at 38 DCR 1011 (February 8, 1991), hereby gives notice of its intent to adopt the following regulations to §§ 809.2 (b) and 818 to Chapter 8, Title 19 of the D.C. Municipal Regulations in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The newly adopted legislation to §§ 809.2 (b) and 818 proposes the following structure for Cost Recovery Fees and User Fees that will provide the District of Columbia Public Library the right to collect reimbursement fees and use fees for various fee-related services that are being provided to customers of the District of Columbia Public Library Washingtoniana Division.

Title 19 Chapter 8 §§809.2 (b) and 818 of the D.C. Municipal Regulation shall read as follows:

Add a new § 809.2 (b) and add a new §818 to Chapter 8, Title 19 of the D.C. Municipal Regulations as follows:

**809 COST RECOVERY FEES**

809.2 District of Columbia Public Library is authorized to establish cost recovery fees for the following services:

- (b) The DCPL Washingtoniana Division shall charge the following reimbursement cost for the scanning of photo images:

Size of Photograph/Image	Charge
5 x 7	\$10.00
8 x 10	15.00
11 x 14	20.00

Any larger scanned photograph/image will be charged at a comparable rate and scale as set above.

## 818 USER FEES

- 818.1 A User Fee is a charge for the use of an image/photograph from any of the District of Columbia Public Library ("DCPL") special collections. The user fee collected from any customer shall be used for the sole purpose of the Washingtoniana Division and/or other special collections. These fees will assist in the preservation and customer access to the collection.
- 818.2 The DCPL Washingtoniana Division shall not charge the following fees for use of the images of the Washington Star Photo Collection, Washington Historical Image Collection, and certain identified materials of the Community Archives Collection for the following non-profit use categories:
- (a) Personal Use;
  - (b) Research;
  - (c) Scholarly publications and papers;
  - (d) Educational Media;
  - (e) Government Publications and Papers; and
  - (f) Exhibitions at Cultural Institutions.
- 818.3 The DCPL Washingtoniana Division shall charge the following fees for use of the scanned images of the Washington Star Photo Collection, Washington Historical Image Collection, and certain identified materials of the Community Archives Collection:

### Commercial Use in a:

Published Book	\$ 35.00
Published Book Cover	100.00
Newspaper and Magazine article	20.00
Magazine Article Cover	100.00
Print advertisement	100.00
Posters, postcards, pamphlets, flyers, calendar	35.00
Commercial Decor	50.00
(Commercial Decor refers to those companies that use the images for decorating for commercial purposes)	
Website	20.00
Exhibitions at Commercial venues	20.00
Local or public TV Broadcast	20.00

Cable or network TV Broadcast	50.00
Video	50.00
Motion Picture	150.00

Any person desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the D.C. Register. Comments should be submitted to Grace Perry-Gaiter, DCPL General Counsel, Martin Luther King Jr. Memorial Library, 901 'G' Street, N.W., 4<sup>th</sup> Floor, Washington, D.C. 20001. Copies of the proposed rulemaking may be obtained by writing to the address stated above.

## DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF PROPOSED RULEMAKING

The Director and the Board of Trustee's of the District of Columbia Public Library ("DCPL") at its regular meeting held May 23, 2007, introduced and took final action to approve and adopt the new legislation to §811 through §817 to Chapter 8, Title 19 of the D.C. Municipal Regulations.

The District of Columbia Public Library Board of Trustee's, pursuant to the authority set forth in An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, 29 Stat. 244, Ch. 315, § 5; April 1, 1926, 44 Stat. 230, Ch. 98, § 5; Mar. 3, 1979, D.C. Law 2 – 139, § 3205 (jjj), 25 DCR 5740; Sept. 5, 1985, D.C. Law 6 – 17, § 2, 32 DCR 3582; Apr. 12, 1997, D.C. Law 11-259, § 316, 44 DCR 1423; Oct. 21, 1998, 112 Stat. 2681 – 146, Pub. L. 105 – 277, § 156 (codified at D.C. Official Code section 39-105, 2001 Ed.); 27 DCRR § 2.1, 24 DCR 11011, 11014 (June 30, 1978); as amended by Final Rulemaking published at 38 DCR 1011 (February 8, 1991), hereby gives notice of its intent to adopt the following regulation to §§811 - 817 to Chapter 8, Title 19 of the D.C. Municipal Regulations in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The newly adopted legislation to §§ 811 through 817 will establish the current agency procedures for soliciting, accepting and use of financial, in-kind and fixed asset donations. It will also provide the regulations that govern record-keeping requirements, audit procedures, and accessibility of records for public inspection.

Title 19 Chapter 8 §§811 - 817 of the D.C. Municipal Regulation shall read as follows:

Add new §§ 811 - 817 to Chapter 8, Title 19 of the D.C. Municipal Regulations as follows:

**811 DCPL PROCEDURES FOR SOLICITATION AND/OR DONATION OF FINANCIAL, IN-KIND AND FIXED ASSET GIFTS**

811.1 The provisions of §§811 through 817 of this chapter shall provide the District of Columbia Public Library ("DCPL") agency procedures for the legal authorization to solicit from possible sponsors, accept and use donations to benefit the library. These rules shall also govern record-keeping requirements, audit procedures, accessibility of records for public inspection.

811.2 The policies and guidelines set forth are based on the legislation titled "Public Charter School Assets and Facilities Preservation Amendment Act of 2006" which amends D.C. Official Code, Title 39-101 et. seq. The new legislation provides that the Board of Library Trustees (the "Board")

may accept donations, gifts by devise or bequest, grants, and any other type asset from individuals, groups, organizations, corporations, partnerships, and other governmental entitles.

- 811.3 The solicitation from sponsors and/or donation authorization process requires the successful completion of three basic components (1) the Application to Approve Donations ("AAD Form"); (2) the Legal Sufficiency Review; and (3) the Donation Agreement signed by all parties.
- 811.4 The Board shall approve all donations, gifts, grants, or assets with a value of \$10,000.00 or more, but may delegate its authority to accept any donation, gift, grant, or asset with a value of less than \$10,000.00 to the Chief Librarian of the public library.
- 811.5 The required signatures for the AAD Form if donation is under \$10,000.00 is the Donor, General Counsel, and the Chief Librarian and/or designee. All signatures shall be obtained in that order.
- 811.6 The required signatures for the AAD Form if the donation is \$10,000.00 and over is the Donor, General Counsel, Chief Librarian, and the President of the DCPL Board of Trustees. All signatures shall be obtained in that order.
- 811.7 The donation may consist of financial (checks and other negotiable instruments), in-kind (direct payments and services), and fixed assets.
- 811.8 For the purposes of this legislation, fixed assets may include furniture, equipment and computers.
- 811.9 The Board is responsible for the managing of all donations whether in-kind, fixed asset and/or funds (both checks and negotiable instruments) in accordance with the provisions or conditions of the donation by the donor.
- 811.10 All donation agreements must be in writing and contain a description of the purpose for which the donation is sought and a certification that:
- (1) A statement of the proposed use of the donation and any conditions placed on its use by the donor;
  - (2) A statement of authority which denotes the agency's use of the donation;
  - (3) A statement certifying that the donation is a bona fide donation and the donor does not expect any special treatment from the District Government as a result of the donation;



- (4) A budget of planned expenditures for use of the donation;
- (5) The donation will be used by the agency or instrumentality of the District government to fulfill an authorized function or duty;
- (6) The donation is consistent with the agency's plans for its programs and projects;
- (7) The donation is directly related to, and will be expended solely for, a discrete program and/or purpose; and
- (8) The donation is consistent with applicable laws and policies.

811.11 Donations may be used to fund any District Government activity for which appropriated funds may otherwise been obligated.

811.12 Each applicant seeking authority from the Board of Library Trustees and/or Chief Librarian to solicit, accept, or use donations must obtain a legal sufficiency review from the Office of the General Counsel.

811.13 The General Counsel shall provide a written memorandum to the Chief Librarian and/or Board of Library Trustees rendering legal sufficiency determination of all solicitations and donations. However, the General Counsel may forward a written notice, other than a memorandum, where it is determined that the donation request submitted is covered by a earlier review of a similar donation that has already received legal sufficiency approval.

811.14 A signed donation form is required for all book donations and must be submitted to the Office of the General Counsel. Book donations are approved upon receipt and do not need to go through legal sufficiency approval pursuant to D.C. Official Code, Title 39-101 et.seq. (2001 Ed.).

811.15 The legal review process should be completed within fifteen (15) days of receipt of the application for donation.

## **812 ACCEPTING AND DEPOSITING FINANCIAL GIFT DONATIONS**

812.1 The District of Columbia Public Library's ("DCPL") Director of the Board of Library Trustees and/or Chief Librarian authorizes the acceptance of all financial donations.

812.2 All financial donations to the DCPL must be in the form of check, wire transfer, or other negotiable instruments.

- 812.3 All financial donations must be made payable to the D.C. Treasury and these donations shall be made available to the DCPL through the private grant revenue source of DCPL's annual operating budget.
- 812.4 The DCPL will not accept cash donations.
- 812.5 The DCPL's Chief Fiscal Officer ("CFO") or financial manager shall establish the account, provide the appropriate revenue codes, prepare a budget for depositing the funds, and track the disbursement of donated funds.
- 812.6 All donated funds shall be deposited into the city's agency fund 0400 (private grant revenue). In addition the following actions shall occur between other District agencies to complete the financial process:
- (a) The Office of Finance and Treasury ("OFT") shall notify the Director of Budget and Formulation in the Office of Budget and Planning that the check has cleared;
  - (b) The Director of Budget Formulation will establish a budget for the Donation in consultation with the recipient agency's fiscal officer or designee; and
  - (c) The Office of Budget and Planning shall load the funds based on the budget.
- 813 ACCEPTANCE OF SOLICITED OR UNSOLICITED CHECKS**
- 813.1 When accepting either solicited or unsolicited checks, the library employee shall immediately submit both the Application To Approve Donations ("AAD Form") electronically and signed hard copy by the Donor and the check to the Office of General Counsel ("OGC") for legal sufficiency and the approval process.
- 813.2 Upon receipt of the funds, the Office of the General Counsel shall retain the check in a secure area until the Application to Approve Donation ("AAD form"), completion of legal sufficiency, and the donation is approved by the DCPL Board of Library Trustees and/or Chief Librarian and signed by the appropriate parties.
- 813.3 Upon approval, the OGC shall forward all donor checks to DCPL's CFO. The Office of Budget & Finance ("OB & F") shall process the revenue cash receipt ("RCR") document in SOAR using the designated funds accounting codes.

- 813.4 The OB&F shall forward all funds and record in SOAR the associated RCR to be deposited.
- 813.5 OGC will mail a receipt to the donor and copy the OB&F for the donation. OB&F will deposit the funds into the appropriate DCPL account. OFT will complete the following steps to ensure the proper use of the donation:
- (a) Issue a receipt to the donor upon check clearance;
  - (b) Record the funds in SOAR based on the associated RCR; and
  - (c) Send a copy of the processed RCR to the agency CFO and to OPGD to confirm that the funds were recorded in SOAR.

#### **814 ACCEPTING WIRE TRANSFERS**

- 814.1 DCPL may accept a financial donation via a wire transfer between the donor and the D.C. Office of Finance and Treasury ("OFT") once the standard agency procedures for accepting donations have occurred.
- 814.2 Once the donation has received agency approval the following action must occur:
- (a) Donors requesting to remit donations via wire transfer may initiate a Fed-Wire through their bank to:
    - Bank Name:
    - ABA Number
    - Account Name
    - Account Number
    - Reference: i.e., "Contribution for \_\_\_\_\_";
  - (b) In the reference line "Contribution for, indicate the purpose of the contribution"; and
  - (c) Also, notification of the date for the wire transfer remittance should be given by telephone to the \_\_\_\_\_.
- 814.3 The OFT shall notify DCPL's Office of Budget and Finance of the wire transfer receipt confirmation so that the transaction can be recorded in SOAR.
- 814.4 The DCPL shall proceed to use the donation as conditioned by the Donor.

**815 ACCEPTING SECURITIES**

- 815.1 Once an applicant's donation for securities has been approved through the standard agency acceptance procedures, DCPL will provide the donor with a copy of the securities delivery instructions.
- 815.2 The OBT shall prepare the SOAR revenue cash receipt (RCR) and standard deposit ticket to OFT.
- 815.3 The donor delivers the donated securities to the District government's transfer agent.
- 815.4 The District's transfer agent will liquidate the securities and wire the net proceeds to OFT for deposit into the appropriate account.
- 815.5 The OFT shall notify the OB&F that the funds were deposited and issue a receipt to the donor.
- 815.6 The OFT will record the funds in SOAR based on the associated RCR to DCPL's AFO to confirm that the funds were recorded in SOAR.

**816 IN-KIND and FIXED ASSET DONATIONS**

- 816.1 The Donor must complete all appropriate data fields of the AAD form and sign the form.
- 816.2 The Branch Manager and/or designee shall access whether the acceptance of the proposed donation would be a greater cost than benefit to the DCPL.
- 816.3 The Branch Manager and/or designee shall determine if the donation is in a usable condition for the DCPL, if not, the donation shall be declined.
- 816.4 The Branch Manager and/or designee is to immediately complete the AAD form electronically and forward to the Office of the General Counsel.
- 816.5 The Branch Manager is to forward the signed donor copy of the AAD Form to the Office of the General Counsel.
- 816.6 The Office of the General Counsel will complete the legal sufficiency and obtain all necessary signed approvals.
- 816.7 The donation is considered approved once all required signatures are signed on the AAD form.

- 816.8 Upon approval, the DCPL employee shall notify the donor of whether the donation was accepted.
- 816.9 The DCPL shall proceed to use the donation as conditioned by the Donor.
- 816.10 The Office of the General Counsel shall send a thank you letter to the Donor for the donation and give a copy to the Office of Budget and Finance.

**817 MONITORING, REPORTING AND PUBLIC INSPECTION OF DONATIONS**

- 817.1 The Office of the General Counsel shall prepare a bi-annual report of all donations to be monitored and tracked by the Chief Librarian. The OCFO shall prepare a report on the status of budget expenditures and available balance to be used in conjunction with the bi-annual report.
- 817.2 Each report shall have the donor's name, the brief description of the donation, the total value of the approved solicited and accepted donation, and the donation approval date.
- 817.3 The General Counsel shall file quarterly reports listing all donations with the Office of Administrative Documents and Issuances to be printed in the D.C. Register.
- 817.4 The DCPL shall also publish a monthly report of all donations accepted and approved on the DCPL web page monthly. This report shall include the donor's name, the brief description of the donation, the total value of the approved solicited and accepted donation, and donation approval date.
- 817.5 The Office of the General Counsel shall retain all donation documents for a period of three (3) years. After such time, all documents are to be destroyed or forwarded to a storage facility.

Any person desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the D.C. Register. Comments should be submitted to Grace Perry-Gaiter, DCPL General Counsel, Martin Luther King Jr. Memorial Library, 901 'G' Street, N.W., 4<sup>th</sup> Floor, Washington, D.C. 20001. Copies of the proposed rulemaking may be obtained by writing to the address stated above.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., SUITE 200, WEST TOWER  
WASHINGTON, DC 20005**

**NOTICE OF PROPOSED RULEMAKING**

**GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S  
RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C.  
No.3**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Official Code,<sup>1</sup> of its intent to act upon the proposed tariff of Washington Gas Light Company ("WGL")<sup>2</sup> in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. The Rights-of-Way ("ROW") Surcharge contains two components, the ROW current factor and the ROW Reconciliation Factor. On March 21, 2007, WGL filed a tariff application, which updated the ROW current factor.<sup>3</sup> On May 22, 2007, pursuant to D.C. Code Section 10-1141.6,<sup>4</sup> WGL filed a tariff application with the Commission, which updated the ROW Surcharge Reconciliation Factor.<sup>5</sup> The ROW Reconciliation Factor enables WGL to reconcile any over collection or under collection of ROW revenue based on the application of the current factor to the customer's bill. In the proposed tariff, WGL shows the process to recover from its customers the under collected revenue related to the District of Columbia ROW fees paid by WGL to the District government. Specifically, WGL proposes to amend the following page:

**GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3**

**Section 22**

**2<sup>nd</sup> Revised Page 56**

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<sup>1</sup> D. C. OFFICIAL CODE § 2-505 (2005 Supp.).

<sup>2</sup> *GT00-2, In The Matter Of Washington Gas Light Company's Rights-Of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3, ("GT00-2")* Surcharge Filing of Washington Gas Light Company, ("Surcharge Filing"), filed May 22, 2007.

<sup>3</sup> *GT00-2, In The Matter Of Washington Gas Light Company's Rights-Of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3, ("GT00-2")* Surcharge Filing of Washington Gas Light Company, ("Tariff Application"), filed March 21, 2007.

<sup>4</sup> D. C. CODE § 10-1141.06 (2001) (stating that "Each public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement."

<sup>5</sup> *GT00-2, Surcharge Filing* at 1.

3. WGL asserts that its ROW Reconciliation Factor will become effective commencing with the June 2007 billing cycle.<sup>6</sup> WGL's proposed tariff shows that the ROW current factor is 0.0322 with the ROW Reconciliation Factor of 0.0029 for the prior period, which yields a net factor of 0.0351.<sup>7</sup>

4. The proposed tariff may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, East Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the proposed tariff are available upon request, at a per-page reproduction cost.

5. Comments on the proposed tariff must be made in writing to Dorothy Wideman, Commission Secretary, at the above address. All comments must be received within 30 days of the date of publication of this NOPR in the *D.C. Register*. Persons wishing to file reply comments may do so no later than 45 days from the date of publication of this NOPR in the *D.C. Register*. Once the comment period expires, the Commission will take final rulemaking action on WGL's filing. The Commission does not intend to prevent WGL from implementing its filed surcharges. However, if the Commission discovers any inaccuracies, WGL may be subject to reconciliation of the surcharges.

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<sup>6</sup> GT00-2, Surcharge Filing at 1.

<sup>7</sup> GT00-2, Surcharge Filing at 2.